

IN THE UNITED STATES DISTRICT COURT  
FOR THE 1<sup>st</sup> Cir. DISTRICT OF RHODE ISLAND  
DIVISION

(Write the District and Division, if any, of  
the court in which the complaint is filed.)

DEVON LETOURNEAU 1

JOSEPH SHEPARD

(Plaintiffs)

(Write the full name of each plaintiff who is filing  
this complaint. If the names of all the plaintiffs  
cannot fit in the space above, please write "see  
attached" in the space and attach an additional  
page with the full list of names.)

**-against-**

R.I.D.C., A.T. WALL II, LINDA AUL,

JOE FORGUE, STEVEN CABRAL,

MATTHEW KETTLE (Defendants)

(Write the full name of each defendant who is  
being sued. If the names of all the defendants  
cannot fit in the space above, please write "see  
attached" in the space and attach an additional  
page with the full list of names.)

Complaint for a Civil Case

Case No. CA 16-522

(to be filled in by the Clerk's Office)

Jury Trial: ☐ Yes ☒ No  
(check one)

Demand Bench Trial

FILED  
2016 SEP 15 P 12:51  
U.S. DISTRICT COURT  
DISTRICT OF RHODE ISLAND

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name <u>s</u>	<u>Devon Letourneau &amp; Joseph Shepard</u>
Street Address	<u>P.O. box 8200</u>
City and County	<u>Cranston - Kent County</u>
State and Zip Code	<u>Rhode Island - 02920</u>
Telephone Number	<u>N/A</u>
E-mail Address	<u>N/A</u>

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

**Defendant No. 1**

Name	<u>RHODE ISLAND DEPARTMENT</u>
Job or Title (if known)	<u>OF CORRECTIONS (correctional - Institution)</u>
Street Address	<u></u>
City and County	<u>CRANSTON - KENT COUNTY</u>
State and Zip Code	<u>RHODE ISLAND - 02920</u>
Telephone Number	<u>unknown</u>
E-mail Address (if known)	<u>unknown</u>

**Defendant No. 2**

Name	<u>A.T. WALL II</u>
Job or Title (if known)	<u>(Director of R.I.D.O.C.)</u>
Street Address	<u>40 HOWARD AVE</u>
City and County	<u>CRANSTON - KENT COUNTY</u>

State and Zip Code RHODE ISLAND - 02920  
 Telephone Number unknown  
 E-mail Address unknown  
 (if known)

## Defendant No. 3

Name LINDA AUL  
 Job or Title (Chief Investigator)  
 (if known)  
 Street Address R.I.D.D.C.  
 City and County CRANSTON - KENT COUNTY  
 State and Zip Code RHODE ISLAND - 02920  
 Telephone Number unknown  
 E-mail Address unknown  
 (if known)

## Defendant No. 4

Name STEVEN CABRAL  
 Job or Title (Special Investigator)  
 (if known)  
 Street Address R.I.D.O.C.  
 City and County CRANSTON - KENT COUNTY  
 State and Zip Code RHODE ISLAND - 02920  
 Telephone Number unknown  
 E-mail Address unknown  
 (if known)

[see attachment 3a) for  
other Defendants.]

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

Attachment 3(a) - continued defendants ----

Name: JOE FORGUE  
Title: (Lead Investigator For Gang Division)  
Address: R.I.D.O.C.  
City/County: CRANSTON - KENT COUNTY  
State/Zip: RHODE ISLAND - 02920

Name: MATTHEW KETTLE  
Title: (Warden of all R.I.D.O.C. Facilities)  
Address: R.I.D.O.C.  
City/County: CRANSTON - KENT COUNTY  
State/Zip: RHODE ISLAND - 02920

What is the basis for federal court jurisdiction? (*check all that apply*)

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Declaratory Relief Pursuant to 28 U.S.C. § 2201 § 2202.  
Injunctive Relief Pursuant to 28 U.S.C. § 2283 § 2284 § R. 65 F.R.C.P.  
1<sup>st</sup>, 8<sup>th</sup>, § 14<sup>th</sup> Amendments to the Constitution.

**B. If the Basis for Jurisdiction Is Diversity of Citizenship**

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (*name*) \_\_\_\_\_, is a citizen of  
the State of (*name*) \_\_\_\_\_.

b. If the plaintiff is a corporation

The plaintiff, (*name*) \_\_\_\_\_, is incorporated  
under the laws of the State of (*name*) \_\_\_\_\_,  
and has its principal place of business in the State of (*name*)  
\_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (*name*) \_\_\_\_\_, is a citizen of  
the State of (*name*) \_\_\_\_\_. Or is a citizen of  
(*foreign nation*) \_\_\_\_\_.

## b. If the defendant is a corporation

The defendant, (name) \_\_\_\_\_, is  
 incorporated under the laws of the State of (name)  
 \_\_\_\_\_, and has its principal place of  
 business in the State of (name) \_\_\_\_\_. Or is  
 incorporated under the laws of (foreign nation)  
 \_\_\_\_\_, and has its principal place of  
 business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an  
 additional page providing the same information for each additional  
 defendant.)*

## 3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant  
 owes or the amount at stake—is more than \$75,000, not counting interest  
 and costs of court, because (explain):

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**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as  
 briefly as possible the facts showing that each plaintiff is entitled to the damages or other  
 relief sought. State how each defendant was involved and what each defendant did that  
 caused the plaintiff harm or violated the plaintiff's rights, including the dates and places  
 of that involvement or conduct. If more than one claim is asserted, number each claim  
 and write a short and plain statement of each claim in a separate paragraph. Attach  
 additional pages if needed.

Defendants are responsible for denying Plaintiffs the  
 rehabilitative tools necessary for the integration into  
 Medium & Maximum Securities, and eventually Society.  
 This includes, but is not limited to, Gang-Disavowal-  
 Programming. Both Plaintiffs are being retaliated  
 against for exercising their Constitutional Rights. As  
 a result the Plaintiffs have been and currently suffer the  
 High Security Facility 23 hr lock-up status. Within such  
 confines Plaintiffs are also denied their due periodic  
 Mental evaluation pursuant to R.I.D.O.C. Policy, and  
 Rehabilitation. Facts related to Plaintiffs (contin) --- See  
 5(a)

## (5a) continued - Statement of Facts Relevant to Plaintiff Devon Letourneau.

- 1.) Plaintiff Devon Letourneau is currently housed at the AGI's High Security Facility where he has been, minus a 7 week period between Oct 6<sup>th</sup>, 2015 to Nov 26<sup>th</sup>, 2015, since May 19<sup>th</sup>, 2012. Plaintiff has been incarcerated since Aug 6<sup>th</sup>, 2010 to date.
- 2.) All events relevant to Plaintiff Letourneau have transpired from Oct 6<sup>th</sup>, 2015 to date.
- 3.) Plaintiff Letourneau asserts that Defendants form a joint coalition in an attempt to orchestrate a dramatization wherein the Plaintiff appears as a "Gang-Member." This being in cohesion with their ultimate goal of transferring Plaintiff to an out of state Prison. All done in retaliation to Plaintiff's current pending civil Action (C.A.#14-421 L consolidated w/ C.A.#15-43M), with the hopes that said suit develops toward a state that may potentially be deemed moot. (Said Case is also a case where Plaintiff challenges being labeled of a "different Gang")
- 4.) Plaintiff asserts that he is no gang-member and has severed all affiliations with gang-members prior to his incarceration.
- 5.) Plaintiff asserts that he has met with Defendant Steven Cabral several occasion in October of 2015 to disgust a so-called enemy issue.
- 6.) Plaintiff Letourneau informed Defendant Cabral that there was no serious issue between himself and the inmate Defendant Cabral felt that Plaintiff would have an issue with.
- 7.) Plaintiff expressed to Defendant that he and said inmate were friendly associates who have been housed in the same Module at times throughout Plaintiff's incarceration, but that in 2013 Plaintiff and other inmate engaged in an argument after which they have not been around each other. Defendant Cabral then asked Plaintiff if he be willing to sign a waiver form which if signed by Plaintiff would clear the DOE of all liability in case Plaintiff was to suffer any kind of harm. Plaintiff signed waiver and entered the Maximum security facility general population on Oct 29<sup>th</sup>, 2015. A fight broke out between Plaintiff and other inmate.

Facts continued on page (5 b)



(5b) continued facts.

- 8.) Plaintiff, after being involved in the fight was re-classified back to the High Security Facility in late Nov of 2015 per recommendation of Defendant Steven Cabral, who was responsible for calling for the re-classification board whom he could report his investigative findings to.
- 9.) Plaintiff asserts that Defendant Cabral used his influence as an investigator under a prejudicial state of mind in furtherance of the ultimate goal of the joint coalition to make it appear that the Plaintiff is not safe in the R.I.D.O.C. and therefore should be transferred to another state correctional facility.
- 10.) In late February of 2016, Plaintiff had his chance to explain himself before the "Board" The Classification Board, which included Defendant Steven Cabral, ~~who~~ voted that Plaintiff remain in the High Security Facility based on reports of Investigator, Defendant Steven Cabral.
- 11.) The dialogue initiated by said Defendant, when meeting with Plaintiff in late February 2016 after the Classification Board was that of Plaintiff being transferred out to another state correctional facility due to enemy issues.
- 12.) Plaintiff, in said meeting with Defendant expressed that he did not have "enemy-issues", and that many inmates fist fight and continue to be housed together. Plaintiff also expressed to Defendant Cabral that he is retaliating against Plaintiff due to his civil actions against other S.W.U. employees.
- 13.) Defendant Cabral continued to state ~~that~~ Plaintiff is not safe in the R.I.D.O.C. due to his affiliation as gang member of "East Side Posse".
- 14.) Plaintiff is safe, feels safe, and will be safe. Plaintiff has never caused or been victim to serious bodily harm, nor has he been attacked by more than one inmate since incarceration.



## (5c) Continued facts.

Plaintiff bled or cause another inmate to bleed. Plaintiff has never been in any gang riots of any kind, unlike inmates who have and continue to live among each other.

- 15.) Plaintiff, after meeting with Defendant Steven Cabral in late February of 2016, understood, fully, the intent behind his troubles. Plaintiff wrote a 2 page letter addressed to Defendants Linda Aul, Steven Cabral, Joe Forgue, Matthew Kettle, and A.T. Wall II, on 3-29-2016 and re-sent the same, after getting no response, on 5-5-2016 and to no avail. (Exhibit Attached)
- 16.) Plaintiff informed Defendants that the DOC, through FUNDING, maintains a Gang-Task-Force i.e (S.I.U.) and yet provides no Gang-Programming for sincere inmates who wish to gain understanding on how to watch out for Gang-recruiters esp, the youthful offenders, denounce Gang-affiliations, or show DOC officials that they are not nor ever had been gang members. This all denying expression, and proper rehabilitation as other offenders, i.e (Rapists, Robbers & Murders) receive in programs geared toward their particular issues.
- 17.) Plaintiff, as a result of being in the High Security Facility, 23 hr lock-up a day must receive mental evaluations on a monthly basis. The system that functions for said mental-health is one that pervades or should pervade the institutional fabric without a written request by an inmate. This function is the DUTY AND OBLIGATION of the R.I.D.O.C.
- 18.) Simply put, Plaintiff Devon Letourneau is a target of retaliation by Defendants, who form a joint coalition in attempt mental, thus physically disturb, chastise, and remove Plaintiff away from friends and family by sending him to an out-of-state Prison, all based on his theological views as a member of the "Nation of Gods and Earths" aka The Five-Percenters, which a Suit in respect to is currently pending.
- 19.) Plaintiff's "Written-Appeals" to Defendants ARE in form of grievance as issues of classification are Non-grievable in the actual institutional grievance-form-fashion.

EXHIBIT -

Devon Letourneau

ID # 140071

ASC / E-Module / cell #5

3-29-2016

To: R.I.D.O.C., Director A.T. Wall II, Chief Investigator Linda Aul,  
Gang-Division Investigator Joe Forque, Investigator  
at Steven Cabral, and Matthew Kettle.

To all the above whom this concerns;

I am NO-Gang-Member. You all know this but your agenda is much more important. Your agenda is to remove my presence from the general population and ultimately send me to an out of state prison.

You attempt to do this by creating an illusion wherein it appears that I am not safe in the general populations. This would then justify your transferring me out of state.

All this being done in retaliation to my current law-suit, in which I seek constitutional protection for my cultural views on God, the author of my being. You all despise my theological views. So much so that you now seek to teach me a lesson and tear me many miles apart from my family here in Rhode Island.

Your tool of choice, Mr. Steven Cabral, is wickedly clever but I am divinely intuitive. I saw his science from the beginnings of my dealings with him.

So you've saw to it that I be classified to High Security, 23 hr lock-up, knowing that I'm not a disciplinary issue.

You all fear the day that my brothers wake up. If it were not for our ignorance you'd be jobless. You seek funds from the government to continue your gang inquiries that are, for the most part, the image that you want to see rather than what the reality actually is.

Mr. Cabral in his meeting with me in late February<sup>2016</sup> after I had exposed him before the classification Board

in mid to late February, had informed me that I had many enemies I did not know about who came to the ~~the~~ Surface, through his informants, as soon as I entered maximum security October 6<sup>th</sup>, 2015. But those enemies were not inmates as he indicated, they were/are his coalition of puppet masters. Your Prisons are far from violent and chaotic and you know that.

But I would agree with you all in respect to my safety if in fact your prisons present a hostile environment but they don't nor have they since the ~~the~~ late 70's 80's and 90's.

Again, this is my petition challenging your evil tactics. I am exposing your intent behind your actions.

You hope that my mental faculties deteriorate in this 23 hr solitude. For years now you've tried to break my spirit and have failed with your most highest form of restrictions, and no evaluations.

Leave me alone and give me ~~me~~ the things I request for my spiritual developement. If you don't, one day there will be a Judge in the courts who sees your wickedness and takes you from your positions. Pride comes before the fall.

Righteously,  
Mr. Devon Lefebvre

(7a) Relief Sought for Both Plaintiffs

- 13.) For abridging the Plaintiffs, Devon Letourneau and Joseph Shepard's 1<sup>st</sup>, 8<sup>th</sup> & 14<sup>th</sup> Amendment Rights, Plaintiffs seek:

Declaratory Judgement, Injunction Ordering the Defendants to institute rehabilitative programming for gang-members seeking help, and filing fees. A Bench-trial, and any other relief this court deems proper and just.

Executed at:  
High Security Center  
P.O box # 8200  
Cranston, RI 02920  
Date: 9-9-2016

By: Devon Letourneau  
and Joseph Shepard  
P.O box # 8200  
Cranston, RI 02920

Signed and Drafted by: 